

LELAND TOWNSHIP PLANNING COMMISSION

Wednesday, January 5, 2022 – 7:00pm
Leland Township Library Munnecke Room
123 N. St. Joseph St., Lake Leelanau, MI

PRESENT: Chair Dan Korson; Clint Mitchell, Township Board Rep; Sam Simpson, Secretary, and Vice Chair Skip Telgard

NOT PRESENT: Ross Satterwhite, ZBA Rep

STAFF: Tim Cypher, Zoning Administrator

GUESTS: Four Members of the public present.

CALL TO ORDER: Chair Dan Korson called the meeting to order at 7:00pm with the Pledge of Allegiance.

AGENDA: Korson called for a motion to approve the January meeting agenda. Simpson moved to approve the January 5, 2022, meeting agenda as presented; seconded by Telgard. All in favor, motion carried.

DECLARATION OF POTENTIAL CONFLICTS OF INTEREST: None.

APPROVAL OF MINUTES: Korson asked for a motion to approve minutes from the November 3, 2021, meeting. Simpson moved to approve the November 3, 2021, minutes as presented; Mitchell seconded. All in favor, motion carried.

PUBLIC COMMENT: None

REPORT FROM TOWNSHIP BOARD REP: Mitchell reported that Larry Sullivan's contract was approved for a one-year extension, that a bid was approved from Team Elmer's for sidewalk repair in downtown Lake Leelanau and Leland. The PC briefly discussed the sidewalk work. Mitchell also reported that the REUs were approved for the Siddall project and the distillery project on the Price property. The PC briefly discussed the proposed distillery project.

REPORT FROM ZBA REP: Cypher had no report from the ZBA.

NEW BUSINESS

1. Election of Officers – The PC discussed the officer slate for the PC. **Telgard moved, Simpson seconded to reappoint Dan Korson as Chairman. All in favor, motion carried.**
Simpson moved, Korson seconded to reappoint Skip Telgard as Vice-Chair. All in favor, motion carried.
Mitchell moved, Telgard seconded to reappoint Sam Simpson as Secretary, with minutes-taking delegated to the Recording Secretary. All in favor, motion carried.

2. Special Land Use Application – Oosse Dog Kennel

1. Open Special Land Use Application discussion by chair and Presentation by Applicant – Korson opened the discussion on a Special Land Use application by Linda Oosse for a commercial dog kennel offering pet day-care and boarding on Popp Road. Oosse summarized her application for a special use permit, including her submitted basis for determination. At this time, the business would be located on their homestead property, although in the future they might divide the property between the house and business. They are requesting a permit for up to 45 dogs, between day-care and boarding. They are also looking into offering educational and employment opportunities for people with developmental disabilities, and are working with TBAISD on this. They are not planning to offer grooming at this time, although they may want to offer mobile grooming in the future.

The building will be insulated to suppress noise, and the business will be surrounded on most sides by a tree buffer. Dogs will be kept inside between 10 pm and 7 am, and barking kept to a minimum when the dogs are in outside areas. She has been working with animal control to make sure everything follows their code. She doesn't believe that the proposal will effect neighbors with regard to traffic, noise, or odor. She has been in contact with Soil & Erosion, the Road Commission, the Health Department, Construction Code Office, and the Fire Department.

2. PC Questions / Discussion with Applicant - The PC discussed the application. Tonight is the informational meeting; if the PC considers the application complete they can set a public hearing for the February meeting and at that point public notifications will be completed. Cypher stated that state law requires notices to be sent out to all properties within 300', but he recommends sending them out to a larger radius, due to issues in other areas (not Leland Township) with noise complaints from kennels. The PC discussed the appropriate radius for public notice letters.

Cypher summarized the regulations related to noise in the Zoning Ordinance. There is a db level specified for commercial and industrial properties adjacent to residential properties. The kennel proposal is being deemed a commercial use. Cypher covered the methods for conducting a sound study to determine a base sound level. The PC then returned to the discussion on public notification distances. The PC would like to make sure notices are sent to neighboring properties on the waterfront and M-204 – Cypher will determine what radius covers those properties.

The PC asked if there would be someone on the property anytime there are animals there – Oosse said yes. The PC asked how the 10 pm – 7 am time range for keeping dogs indoors was established – Oosse stated that was in the Zoning Ordinance; Cypher agreed. Full draft findings of fact for Articles 6, 7 and 16 will be presented at the public hearing.

Korson stated that with dogs, it's not necessarily the decibel level of barking, but the constant noise. Even a couple of pet hounds owned by a neighbor can produce enough noise to be very annoying. Oosse stated that she has worked in kennels, and

barking dogs tend to be bored dogs – she would be focused on giving dogs enough entertainment and enrichment that they would not be bored enough to bark. The PC stated that 45 dogs seems like a lot of dogs and asked how Oosse came to that number – Oosse stated that this is 12 boarding dogs, and assuming each family who boards has an average of two dogs that can be kenneled together, that would be 24 dogs when full. This would leave room for another 20 dogs for day care, with dogs at the facility for anywhere from two hours to all day. She thinks it is unlikely that she will have that many dogs at any given time, but especially on holiday weekends wanted to leave herself enough room to not have to turn people away.

The PC asked about state regulations regarding boarding and daycare kennels. Oosse stated that in working with Leelanau County Animal Control, the only regulations are that boarded dogs have to have enough room to stand up and turn around in their accommodations, and there have to be enough kennels to separate all daycare dogs if necessary. Boarded dogs from the same household can share space. Oosse plans on having relatively roomy accommodations for boarded dogs – approx. 5x6 or 4x7 feet. Everything except for the bathroom and mechanical room will be open and moveable to allow for changing configurations of dogs. In addition, everything is required to be washable – they will have drains in the floors, epoxied cement on the floor and 4-6' up the walls, and then painted upper walls and ceilings. Whatever number the PC determines is the maximum number is the number that Animal Control will be enforcing. Oosse stated that all children and people with developmental disabilities will be supervised. There are no training or licensing requirements to run and maintain a boarding and daycare facility.

There will be adequate space that all dogs are able to be inside at one time if necessary. No dogs will be outside overnight or in poor weather conditions. The PC questioned the 1800 square foot building, as that allows 40 square feet per dog at 45 dogs. They are concerned that these dogs could be allowed to be outside and possibly barking until 10 pm, as on clear nights the sound carries and can be easily heard, especially along the lakeshore. Oosse stated that there are already local neighborhood dogs that bark, guns being shot, and other background noise.

PC members believe that the intent behind this is good, and there is a need for a business like this, but are concerned about a nuisance to the neighbors. They then returned to a brief discussion of the public notifications and ZO noise requirements. There are numerous conditions that can be included during the findings of fact discussion after the public hearing. The PC then discussed setting the public hearing.

Mitchell moved, Telgard seconded to set a public hearing for February 2, 2022 for the Oosse dog kennel Special Use Permit, with expanded public notices to be sent to a distance as determined during the discussion. All in favor, motion carried.

Cypher asked if the PC wants to make the single publication as required, or if they want to publish multiple times. The PC determined to make a single publication.

OLD BUSINESS

- **Bunbury Zoning Amendment – Status – Lot Coverage/Character Clause**

The PC discussed where to go on this topic. Mr. Bunbury distributed a document that he had been working on regarding current average home and lot sizes in existing developments in the township, and summarized the document and its history for the PC. Bunbury, the PC, and staff discussed the document and average home and lot sizes in the township's existing developments. They also discussed the history of the project and the zones that would be affected by these potential amendments. The PC extensively discussed the project, overlay districts, affected districts, character, current zoning, and other issues related to the proposal. The PC discussed what the process should be from here.

Bunbury asked the PC to initially consider a set square footage of house for a set size of property, covering the village and lakeshore zoning districts. He would like to see the PC come to the February meeting with ideas for what the appropriate house size to property size ratio would be. The PC would like to see a simpler version of the document provided by Ross Satterwhite. Some members would like to see a version based on lot coverage and height, not total square footage. The PC and Bunbury then returned to an overall discussion on character. There is substantial disagreement about what should be allowed and not allowed, even with general consensus that properties with 20,000-30,000 square feet of lot coverage are out of character to the community.

The PC and staff extensively discussed whether small changes to lot coverage and including all impervious surfaces in lot coverage calculations could be tried first, rather than setting restrictions on square feet. There is more interest on the PC for taking multiple small steps on this issue, rather than putting stricter restrictions in all at once. The PC discussed possibly reducing the height allowances in the village of Leland, as with the current allowance, a three-story house with a flat roof could be built. The discussion extended to whether it is more in character to the area to have a lower house with a larger footprint or a taller house with a smaller footprint. The PC discussed the setback regulations in Glen Arbor, which have a sliding scale for height based on distance from the property line – structures further from the property line are allowed to be taller, with a maximum of 40'. PC member will continue to consider this and discuss further at the February meeting.

- **Master Plan – Status – Chapter 6 – Update from Planner**

Sullivan sent a revised Chapter 6, along with other documentation. The PC briefly discussed. Additional comments will be sent to Sullivan. The PC briefly discussed potential language in the Master Plan which could affect the discussion on character and house size/lot coverage.

- **Short Term Rentals – Update status from State of Michigan**

There has been no change on short term rentals. The bill has been passed by the House, and remains in the Senate.

OTHER BUSINESS (as required) – Korson stated that he and Cypher have been speaking regarding the possibility of an alternate on the Planning Commission to cover during times like this period where Satterwhite is gone for several months. In addition, Satterwhite asked Cypher whether he could participate by Zoom or conference call – this is no longer allowable under Open Meetings Act – at this time, the only allowable remote participation for board members is for military service. The PC briefly discussed the Open Meetings Act, and whether to have an alternate. Korson is concerned with people who are on the PC but don't participate in a number of meetings per year. Other members of the PC think that the PC functions fine with four – they would be more concerned if the PC was regularly down to three members or not being able to put together a quorum.

Zoning Administrator Comment: Cypher emailed the November and December Zoning Administrator reports to PC members prior to tonight's meeting.

Planning Commission Comment: None.

Public Comment: None

The next meeting is scheduled for Wednesday, February 2, 2022, 7:00pm, at the Leland Township Library Munnecke Room.

Adjournment: There being no objection, Chair Korson adjourned the meeting at 9:27 pm

Respectfully Submitted

Dana Boomer, Acting Recording Secretary

Date Approved: